
(2012) 03 P&H CK 0239
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 17950 of 2011

Komal Khanna

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 12-03-2012

Acts Referred:

Punjab Municipal Corporation Act, 1976 — Section 269, 270

Citation : (2012) 03 P&H CK 0239

Hon'ble Judges : Ranjan Gogoi, C.J.;Mahesh Grover, J

Bench : Division Bench

Judgement

Ranjan Gogoi , C.J.—This PIL has been filed seeking directions to seal and demolish the structure alleged to have been illegally raised by respondent No.9 for the purpose of a showroom. According to petitioner, the building in question was sealed on 27.7.2011 but was again de-sealed on 10.9.2011 and thereafter the respondent No.9 has been carrying on his business activities from the said showroom. The Municipal Corporation, Ludhiana has filed an affidavit in the case wherein it is, inter alia, stated that a notice u/s 269/270 of the Punjab Municipal Corporation Act, 1976 (hereinafter referred to as "the Act) has already been issued to the respondent No.9 and further action as contemplated by the provisions of the Act will be taken.

2. Though the learned counsel for the private respondent i.e. respondent No.9 has prayed for some time to file a reply, we do not consider it necessary to adjourn the case any further in view of the order that we are proposing to pass. As the respondent No.9 has been served with a notice under Sections 269/270 of the Act, naturally, he will be entitled to file his reply. Furthermore, in para-7 of the affidavit filed by Municipal Corporation it has been stated that further action, if any, against respondent No.9 will be taken only in accordance with law and in strict conformity with the provisions of the Act.

3. In view of above, we are of the view that the writ petition should be disposed of with a direction that the respondent No.9 may file his reply and thereafter

necessary action, if any, against the said respondent will be taken only in accordance with law and after hearing the said respondent.

4. Consequential action in terms of the present order will be completed by the Municipal Corporation within a period of three months from the date of receipt of a certified copy of this order. The writ petition is disposed of in the above terms.